IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3330 OF 2007

Balwant Gopal Kalbhor. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

M.S.Mohite for the applicant.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in C.R.No.106/2007 registered with Ratnagiri City Police Station for the offences punishable under section 420 read with section 34 of Indian Penal Code.

3. Mr.Mohite, learned counsel appearing for the applicant submits that the undertaking given by the applicant has been substantially complied with and

almost 47 persons, who had claimed refund amount, have been paid. The affidavit in that behalf is filed by the applicant. The same is taken on record and marked "X-1" for identification.

4. Mr.Mohite submits that his client would be bound by the undertaking dated 10th October, 2007, which is already filed on record and marked as "X". He further submits that those who did not claim refund would also be granted refund, subject to their demand. The statement made in this behalf is accepted and taken on record.

5. In the above view of the matter, subject to this statement made and undertaking filed, interim bail granted in favour of the applicant vide order dated 10th October, 2007 is made absolute in terms of the following terms and conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.106/2007, registered with Ratnagiri City Police Station, he shall be released on bail of Rs.25,000-/ with one solvent surety to make up the said amount.

(b) The applicant shall report to the

concerned police station as when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

6. Application stands disposed of accordingly.

JUDGE